

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Allan Cullen, Ronald Bourdon,
and Scott Rogers

v.

Civil No. 16-cv-537-SM

New Hampshire Department of Corrections
Commissioner William Wrenn

REPORT AND RECOMMENDATION REGARDING CO-PLAINTIFFS

Allan Cullen, Ronald Bourdon, and Scott N. Rogers filed this lawsuit pursuant to 42 U.S.C. § 1983, to challenge a prison directive that Cullen combine all of his legal materials in his cell into one "legal tote." All three inmates signed the complaint.

Noting that the original complaint failed to state any claim relating to either Rogers or Bourdon, individually, because pro se parties cannot litigate the claims of other parties in federal court, see O'Diah v. Volkswagen of Am., Inc., 91 F. App'x 159, 160 (1st Cir. 2004); see also 28 U.S.C. § 1654, the court in its January 3, 2017 Order (Doc. No. 5) granted plaintiffs leave to file an amended complaint alleging facts relating to Bourdon and Rogers. Additionally, the January 3, 2017 Order (Doc. No. 5) directed Bourdon and Rogers either to pay the filing fee or to file in forma pauperis applications in

this matter. Neither Bourdon nor Rogers responded to the January 3, 2017 Order (Doc. No. 5). Accordingly, Rogers and Bourdon should be dropped as plaintiffs from this action, as the complaint contains no viable claims for relief as to those plaintiffs.

Conclusion

For the foregoing reasons, the district judge should drop Rogers and Bourdon from this action. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen day period may be extended upon motion. Failure to file objections within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone
United States Magistrate Judge

May 4, 2017

cc: Allan Cullen, pro se
Scott Rogers, pro se
Ronald Bourdon, pro se